

IC 36-7-2

Chapter 2. General Powers Concerning Planning and Development

IC 36-7-2-1

Application of chapter

Sec. 1. This chapter applies to all units except townships.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-2

Planning and regulation of real property; access to solar energy

Sec. 2. A unit may plan for and regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements. A unit may also regulate the platting and subdividing of real property and number the structures abutting public ways. In planning for and regulating the use of land or in regulating the platting or subdividing of real property, a unit may also regulate access to incident solar energy for all categories of land use.

As added by Acts 1980, P.L.211, SEC.2. Amended by Acts 1981, P.L.311, SEC.1.

IC 36-7-2-3

Inspection of structures or improvements

Sec. 3. A unit may inspect any structure or other improvement at any reasonable time.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-4

Regulation of alteration and construction of structures and improvements; bonds

Sec. 4. A unit may regulate methods of, and use of materials in repair, alteration, and construction of structures and other improvements. The unit also may require the execution of a bond by any person repairing, altering, or constructing structures or other improvements.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-5

Repair, alteration, or destruction of structures and improvements

Sec. 5. A unit may repair, alter, or destroy structures and other improvements if necessary.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-6

Regulation of movement or removal of earth below ground level

Sec. 6. A unit may regulate excavation, mining, drilling, and other movement or removal of earth below ground level.

As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-7

Promotion of economic development and tourism

Sec. 7. A unit may promote economic development and tourism.
As added by Acts 1980, P.L.211, SEC.2.

IC 36-7-2-8

Solar energy systems; ordinances; reasonable restrictions

Sec. 8. (a) As used in this section, "solar energy system" means either of the following:

- (1) any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, or for water heating; or
- (2) any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of energy for space heating or cooling, or for water heating.

(b) A unit may not adopt any ordinance which has the effect of prohibiting or of unreasonably restricting the use of solar energy systems other than for the preservation or protection of the public health and safety.

(c) This section does not apply to ordinances which impose reasonable restrictions on solar energy systems. However, it is the policy of this state to promote and encourage the use of solar energy systems and to remove obstacles to their use. Reasonable restrictions on solar energy systems are those restrictions which:

- (1) do not significantly increase the cost of the system or significantly decrease its efficiency; or
- (2) allow for an alternative system of comparable cost and efficiency.

As added by Acts 1981, P.L.311, SEC.2.

IC 36-7-2-9

Compliance with code of building laws and orders

Sec. 9. Each unit shall require compliance with:

- (1) the code of building laws that is adopted in the rules of the fire prevention and building safety commission under IC 22-13;
- (2) orders issued under IC 22-13-2-11 that grant a variance to the code of building laws described in subdivision (1);
- (3) orders issued under IC 22-12-7 that apply the code of building laws described in subdivision (1);
- (4) IC 22-15-3-7; and
- (5) a written interpretation of a building law binding on the unit under IC 22-13-5-3 or IC 22-13-5-4.

As added by P.L.245-1987, SEC.19. Amended by P.L.71-1999, SEC.3.